

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

DARRELL RAY EDWARDS,) No. C 10-4164 LHK (PR)
Petitioner,) ORDER DENYING MOTION
v.) TO TRANSFER VENUE
WARDEN RANDY GROUNDS,)
Respondent.)

On March 29, 2011, the Court issued an order to Respondent to show cause why this petition for writ of habeas corpus should not be granted. Respondent has filed a motion to transfer venue to the Central District of California. For the reasons set forth below, Respondent's motion is DENIED.

Pursuant to a negotiated plea agreement, Petitioner pleaded guilty to second degree murder and, on April 15, 1991, was sentenced to 15 years to life. (Petition at 2.) On April 4, 2008, the Board of Parole Hearings (“Board”) found Petitioner unsuitable for parole for the fifth time. (Mem. of P. & A. at 36.) In his federal petition, Petitioner claims that the Board’s acts and omissions breached his plea agreement.

Respondent moves to transfer this action to the Central District of California because it is the district of conviction. However, venue is proper in either the district of conviction or the district of confinement. 28 U.S.C. § 2241(d). Whereas the district of conviction is the preferable

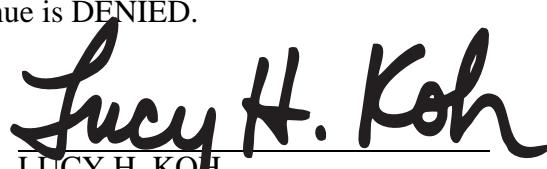
1 forum to review a conviction, *see Dannenberg v. Ingle*, 831 F. Supp. 767, 767 (N.D. Cal. 1993),
2 the district of confinement is the preferable forum to review the execution of a sentence, *see*
3 Habeas L. R. 2254-3(a); *Dunne v. Henman*, 875 F.2d 244, 249 (9th Cir. 1989).

4 Here, Petitioner does not challenge his conviction. He does not claim that his plea
5 agreement is invalid. Rather, he claims that the Board's actions amounted to a breach of his plea
6 agreement. His challenge is one related to the execution of his sentence. Thus, the Northern
7 District, the district of confinement, is the proper venue.

8 Respondent's motion to transfer venue is DENIED.

9 IT IS SO ORDERED.

10 DATED: 7/1/11


LUCY H. KOH
United States District Judge